

Entered - 12/03/97 - sb
CL - 97L0713 - GWENDOLYN BURNS

00- *R* -1834

CLAIM OF: Clark Atlanta University
223 James P. Brawley Drive
Atlanta, Georgia 30314

For property damages alleged to have been sustained to claimant's flush
values and dorm pumps as a result of a water line repair on October 17,
1997 at 223 James P. Brawley Drive.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

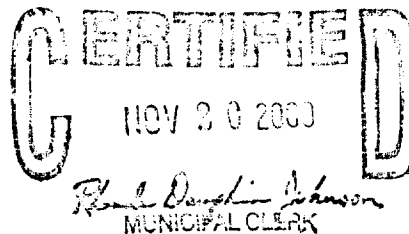
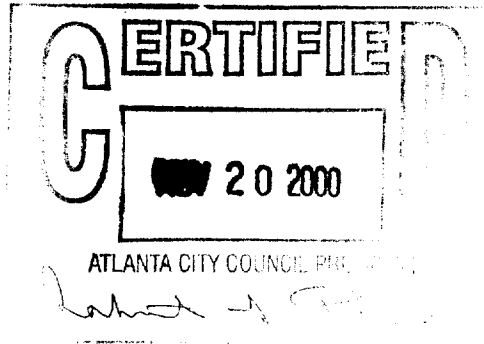
ADVERSED REPORT

CC: *Public Safety*

ADVERSED BY: *NOV 20 2000*
CITY CLERK

DATE: *4/14/00*

Yours truly,
Michael R. King
Mayor





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 28, 2000

Clark Atlanta University
Attn: Sam Hayes
223 James P. Brawley Dr.
Atlanta, GA 30314

00-R-1834

Dear Mr. Hayes:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 20, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0713

Date: November 2, 2000

Claimant /Victim CLARK ATLANTA UNIVERSITY
BY: (Atty) (Ins. Co.) _____
Address: 223 James P. Brawley Drive, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage \$ 4,365.00 Bodily Injury \$ _____
Date of Notice: 11/13/97 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/17/97 Place: 223 James P. Brawley Drive
Department WATER Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that it sustained damages when its flush valves and dorm pumps were damaged during a water line repair by the city. However, claimant has failed to pursue its claim.


INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

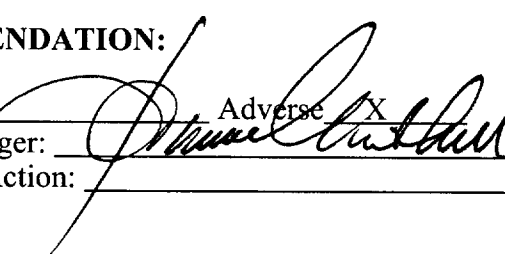
Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-01-00
Committee Action: _____ Council Action _____

COUNCIL of the CITY OF ATLANTA
CLERK OF COUNCIL
CITY HALL
68 Mitchell Street, S.W.
Atlanta, Georgia 30303

RE: CLAIM FOR DAMAGES

BURNS
11/24/77
M

NOV 18

TODAYS DATE: 6 NOV 97
ENTERED -12-3-97- s1b
97L0713 - GWEN BURNS

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 4365.54 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of accident: Oct 17 1977 2. Police called: ✓
(month) (day) (year) (yes) (no)
3. Location of accident: 223 James P. Brawley Dr. Atlanta Ga 30303
4. Name of your insurance company: _____ Policy # _____
5. State how accident occurred: City water Dept. working of pipes on campus, turned off water and then turn back on and damaged flush valves and pumps to dorm.
(use other side if necessary)
6. If a vehicular accident, complete the following and attach two (2) estimates of repair. ALL ESTIMATES AND VEHICLE DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! The registered owner must make the claim for vehicle damages.
7. Your vehicle: _____
(make) (year) (tag#) (drivers name)
8. City vehicle: _____
(make) (drivers name) (department)
9. Witness: _____
(name) (phone) (address)
10. The acknowledgment of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT.

11. THIS CLAIM SHOULD BE
MAILED IMMEDIATELY TO
THE ADDRESS SHOWN ABOVE

CLARK Atlanta University
(claimant)
James P. Brawley Dr.
(address)

Attn: Sam Hayes Facilities & Operations
223 James P. Brawley Dr.

ATLANTA GA 30314
(City) (State) (zip)

00-121834

404-880-8985/8028
(home) (phone) (work)

(4) 880-6087 (Fax)

8025

Council President Tro Lem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.